IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 25 OF 2007

State
through P.I. Attached to Mapusa
Police Station, Mapusa-Goa. .... Appellant

V/s

Shri Shaikh Abdulla,
S/o Shaikh Abbas, Driver,
R/o H.No. 354, Khorlim,
Mapusa-Goa. .... Respondent

Ms. W. Coutinho, Public Prosecutor for the Appellant.
Mr. T. George John, Advocate for the Respondent.

CORAM : N.A. BRITTO, J.

DATE : 23rd NOVEMBER, 2007

ORAL JUDGMENT :

Heard the learned Public Prosecutor, and Shri T. George John on behalf of the accused.

2. When this appeal came up for hearing, the accused has filed an application pleading guilty to the charge for which he was convicted by the learned JMFC, by order dated 13/09/2004. The accused has also stated before the Court that he wants to plead guilty to the charge. In fact the accused was convicted under Sections 279, 338 IPC and sentenced till rising of the Court on each count and was directed to pay a fine of Rs. 1,000/- on each count. If the fine imposed under Section 338 IPC was realized, the

same was directed to be paid to Sushmita Dessai/PW4. The accused having filed an appeal before the Court of Sessions, the accused came to be acquitted under Section 279, 338 IPC by order dated 12/07/2006. In the light of the plea of guilty made by the accused before this Court, the same is accepted. The judgment/order of the learned Sessions Judge dated 12/07/2006 is hereby set aside and the order of the learned JMFC dated 13/09/2004 is restored. As a result, the accused shall undergo the sentence as imposed upon him by the learned JMFC by order dated 13/09/2004.

3. The appeal is allowed on the above terms. The accused shall appear before the trial Court on 20th December, 2007 at 10.00 a.m. to undergo the sentence. The application filed on behalf of the accused be placed on record.

N.A. BRITTO, J.

NH/-